

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14449, of The Heritage Foundation, Inc., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.49 to continue to operate a parking lot in an CAP/R-4 District at premises rear 416 - 4th Street, N.E., (Square 780, Lot 62).

HEARING DATE: July 23, 1986
DECISION DATE: September 3, 1986

FINDINGS OF FACT:

1. The subject property is an alley lot located at the rear of 416 - 4th Street, N.E., between D and E Streets, and 3rd and 4th Streets, N.E. It is zoned CAP/R-4. The lot is one-half block from a strip of C-2-A zoning along Massachusetts Avenue and D Street, N.E.

2. The site is bounded by a fifteen foot public alley on the north, a twenty-five foot public alley on the south, a ten foot public alley on the east and a thirty-foot public alley on the west.

3. There is a forty-two inch chain-link fence along the ten foot public alley on the eastern property line. There are no structures on the lot.

4. The subject lot is presently used as a parking lot, accommodating seventeen vehicles, with all spaces in an open area. The applicant desires to continue this use for a period of five years from the date of expiration of the previous order, namely until April 7, 1991.

5. The subject site was first approved by the Board for use as a parking lot pursuant to BZA Order No. 12061, dated April 7, 1976. The parking lot was most recently approved by the Board by Order No. 14151, dated April 7, 1985, for a period to expire on April 7, 1986.

6. The subject site was purchased by the applicant in February of 1983, and is used solely to provide additional parking for its building located at 214 Massachusetts Avenue, N.E. The employees of the Heritage Foundation, as well as tenants of other offices within the applicant's building, use the lot on a daily basis for parking. The lessees are office employees going to work for the day.

Consequently, there is little traffic or noise generated by the use of the lot.

7. The lot is open evenings, weekends, and holidays to provide parking for the residents of the neighborhood.

8. The lot is occupied by the tenants of 214 Massachusetts Avenue between approximately 7:30 A.M. and 5:30 P.M.

9. The lot is completely paved with asphalt. Each parking space is outlined in paint, numbered, and assigned to a particular user. No cars using the spaces need protrude over the lot line into the alley.

10. The parking spaces are arranged in a U-shape with the front of the cars facing toward the center. Wheel stops are provided at the top of each space toward the center of the lot. No bumper stops are provided because there are no immediate adjacent buildings to protect and because bumper stops would block access to the spaces. The lot is surrounded on all sides by public alleys.

11. Two sides of the lot only, 4th and D Streets, face the backs of residential property. On the 4th Street side, the residences are separated by the chain link fence, the public alley, and each home's own additional yard fencing. On the D Street side, most homes have garages which open onto the public alley and use the alley for ingress and egress. On the remaining two sides of the lots are public alleys and then vacant buildings. The layout and size of the lot make landscaping and perimeter fencing impractical. Further, the separation of adjacent property by existing fencing and public alley makes perimeter fencing unnecessary.

12. The lot has been inspected weekly by the building engineer of 214 Massachusetts Avenue, N.E., and regularly cleaned every two to three weeks, or more often if needed. The applicant, at the conclusion of the hearing, agreed to increase supervision and maintenance of the lot.

13. There is a substantial need for parking in the area. There are only 27 spaces at 214 Massachusetts Avenue itself, and no room for additional spaces on that lot. It would be economically impractical to put more parking spaces on this site. In addition, nearby commercial lots are quite crowded.

14. The applicant is willing to sell the lot for development consistent with its current zoning. At this time, however, there is no available development opportunity.

15. It is the applicant's position that there is currently no other reasonable use of the lot other than parking. The applicant requests the Board to continue the parking lot use of its property for five years, or until April 7, 1991.

16. The Department of Public Works (DPW) by memorandum dated July 16, 1986, reported that its investigation had revealed that the parking lot was clean and in good condition, and concluded that it had no objection to the continuation of this use. The Board concurs.

17. The Capitol Hill Restoration Society, by letter dated June 30, 1986, reported that at its regular meeting of June 26, 1986, the Zoning Committee of the Society, acting for and on behalf of the Society, voted unanimously to support the subject application for a three year term provided the applicant agreed to: 1) keep the lot lighted at night, and 2) maintain regular security surveillance patrols. In response, the applicant has agreed to have its security contractor patrol the lot periodically at night by car and report any suspicious activity to the police. In addition, the applicant has determined that there is lighting provided by the street lights along the public alleys. Three of these street lights directly face the lot.

18. The Architect of the Capital was provided notice of the application, and by letter dated July 15, 1986, indicated that it had no objection to the action sought by the applicant.

19. No report of Advisory Neighborhood Commission (ANC) 6A was filed with the Board of Zoning Adjustment.

20. Two neighbors, residing at 312 and 315 D Street, N.E., with garages opening onto the public alley adjacent to the parking lot, appeared at the hearing to testify concerning the subject parking lot. The primary concern expressed by these neighbors was lack of supervision for the lot and the illegal parking of vehicles in the public alley. They expressed the view that the applicant should provide more supervision for the parking lot. The applicant, at the public hearing, agreed to strengthen its monitoring of the lot. The Board will so condition the grant.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted such an exception, the applicant must demonstrate that it has satisfied the requirements of Paragraph 3101.49 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has met its burden of proof.


The Board concludes in particular, that the lot is both necessary and convenient to other uses in the vicinity. No significant adverse effect on the present character or future development of the neighborhood will result from the continuation of this lot because of noise, traffic, number of employees using the lot, or hours of operation. The Board further concludes that the grant of this special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Map. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of three years terminating on April 7, 1989.
2. The number of parking spaces shall not exceed seventeen.
3. Wheel stops shall be erected and maintained at the top of each parking space. Landscaping and perimeter fencing shall not be required due to the lay-out and small size of the lot, requirements for ingress and egress, and the separation of adjacent residences by public alleys, fencing, and garages.
4. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
5. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
6. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
7. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.
8. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.
9. The applicant shall have its security contractor conduct surveillance of the lot nightly.

VOTE: 4-0 (Charles R. Norris, Paula L. Jewell, William
F. McIntosh and Carrie L. Thornhill to
grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: SEP 23 1986

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO
DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN
DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL
RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING
ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS
AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH
PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE
OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES,
INVESTIGATIONS AND INSPECTIONS.

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